

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**MAKEYTA JONES, on behalf of
M.B., a minor,**

Plaintiff,

vs.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

Case No. 4:07CV00497 RWS

MEMORANDUM AND ORDER

This action is before the Court a second time for judicial review of the decision of the Commissioner of Social Security, denying Makeyta Jones's application for supplemental security income ("SSI") filed on behalf of her minor son, M.B. (hereinafter "Plaintiff"), under Title XVI of the Social Security Act, 42 U.S.C. § 1383(c)). Plaintiff has filed a brief in support of her complaint; the Commissioner has filed a brief in support of his answer.


The matter was referred to the United States Magistrate Judge Audrey Fleissig under 28 U.S.C. § 636(b) for recommended disposition. Judge Fleissig's Report and Recommendation recommends that the decision of the Commissioner be affirmed in part and reversed in part. Judge Fleissig's Report and Recommendation also recommends that the case be remanded to the

Commissioner with directions to (i) award benefits for a period of disability from November 14, 2002, to April 8, 2004, and (ii) to determine when, during the period from April 19, 2004 to May 24, 2005, Plaintiff's entitlement to benefits should properly terminate due to his no longer being disabled and/or failing to obtain treatment that would address his disability.

I agree with Judge Fleissig's recommendation. Therefore, I adopt the Report and Recommendation of Judge Fleissig.

Accordingly,

IT IS HEREBY ORDERED that the decision of the Commissioner is **AFFIRMED in part and REVERSED in part and REMANDED** with directions to award benefits for a period of disability from November 14, 2002, to April 8, 2004, and to determine when, during the period from April 9, 2004 to May 24, 2005, Plaintiff should no longer be entitled to benefits.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 25th day of March, 2006.